

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH A. O'KEEFE	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 01 - CV - 2902
	:	
MERCEDES-BENZ USA, LLC	:	
	:	
Defendant.	:	
_____	:	

ORDER

AND NOW, this 15th day of July, 2003, upon consideration of Defendant Mercedes-Benz USA, LLC's Motion for Assessment of an Appeal Bond filed on June 20, 2003 [#187]; and Our June 5, 2003 Memorandum and Order¹ [#186]; and noting that no timely memorandum in opposition has been filed, it is hereby **ORDERED** pursuant to Local Rule 7.1(c)² that Defendant Mercedes-Benz USA, LLC's Motion for Assessment of an Appeal Bond filed on June 20, 2003 [#187] is deemed uncontested and **GRANTED** as follows:

1. Objector/Appellants Nicole Yatooma, Ronald Pitts, Sandra Pitts, Shoals Provisions, Inc., and Horace W. Kynard and their counsel, John Quincey Somerville, Perry G. Shuttlesworth,

¹ On May 6, 2003, Plaintiff Joseph O'Keefe moved this court to order the Objector/Appellants to the posting of an appeal bond and a supersedeas bond. Our June 20, 2003 Order granted Plaintiff's Motion for the appeal bond but denied his motion for a supersedeas bond. Our June 20, 2003 Memorandum fully explained our reasoning for ordering an appeal bond covering costs—excluding attorney's fees—to be posted by Objector/Appellants. The same reasoning applies to our granting Defendant Mercedes-Benz USA, LLC's motion.

² Local Rule 7.1(c) states that: "In the absence of a timely response, the motion may be granted as uncontested except that a summary judgment motion . . . will be governed by Fed. R. Civ. P. 56(c)." E.D. PA. FED. P.R. 7.1(c) (2002).

Robert W. Bishop, Bryan D. Marcus and Norman A. Yatooma, jointly and severally, are directed to post an appeal bond pursuant to FED. R. APP. P. 7 in the amount of \$3,680.10 to secure payment of Defendant/Appellee Mercedes-Benz USA, LLC's costs on appeal; and

2. The bond pursuant to FED. R. APP. P. 7 shall be posted within fourteen (14) days of the date of this Order.

BY THE COURT:

Franklin S. Van Antwerpen, U.S.D.J.